

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

MINUTES OF PROCEEDINGS:

HONORABLE JUAN M. PEREZ-GIMENEZ

DATE: 03-09-2004

COURTROOM DEPUTY: REBECCA AGOSTINI

CV. NO: 98-1867 (PG)

Attorneys:

JOSE M. LORIE-VELASCO, ET. AL.

JOSE QUETGLAS, ESQ.

v.

K-MART CORPORATION, ET. AL.

MARTA VILA BAEZ, ESQ. (K-MART)
VICENTE SANTORY-COLL (3rd Party Defendant)

Status Conference held. Short briefing as to the status of the case is given to the Court by the parties. On March 27, 2001, Final Pretrial Order was submitted. This case was previously assigned to Judge Carmen C. Cerezo, and she allowed the parties to bring new expert witnesses. Due to K-Mart's filing of bankruptcy, case was stayed. These additional expert witnesses are Dr. Boris Rojas, Mr. Carlos Garet, and Eng. Erick Cintrón. Pending now are their reports and then their depositions. As to Third Party-Defendant, represented by Atty. Vicente Santori-Coll, Motion for Summary Judgment was filed by him on September 17, 2001, Docket #155; which is still pending since same was held in abeyance waiting for Mr. Garet's expert- report. Same will be submitted hopefully this week. In view of K-Mart's bankruptcy situation, Atty. Quetglas will discuss with his client settlement possibilities, and will submit a new offer to the parties within the next five days. In view of the above, the Court instructs the parties as follows: Motion for Summary Judgment filed by Atty. Santori-Coll will be decided by the Court immediately. Parties are instructed to submit new Proposed Pretrial Order by May 7th, 2004. Atty. Marta Vilá, on behalf of K-Mart, is granted 30 days to file Mr. Roja's report, and if necessary, take his deposition. If case is not settled by then, Jury Trial will be held on May 24, 2004, at 9:00 a.m.

s/ Rebecca Agostini-Viana
Deputy Clerk

*Jury Clerk notified by phone.